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12 LIFT-U, A DIVISION OF HOGAN MFG.,
13 INC.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 LIFT-U, A DIVISION OF HOGAN MFG., INC.,) Case No: 5:10-cv-01850-LHK
17 a California corporation,)
18 Plaintiff,)
19 vs.)
20 RICON CORP., a California corporation, and)
21 WESTINGHOUSE AIR BRAKE)
22 TECHNOLOGIES CORPORATION dba VAPOR)
23 BUS INTERNATIONAL, a Delaware corporation,)
24 Defendants.)
25 AND RELATED COUNTERCLAIMS)
26 _____) Case No: 4:12-cv-01129-LHK
27 LIFT-U, A DIVISION OF HOGAN MFG., INC.,)
28 a California corporation,)
29 Plaintiff,)
30 vs.)
31 NORTHERN BUS INDUSTRIES, INC.,)
32 an Alabama Corporation ,)
33 Defendant.)
34 _____)

1 The parties held a settlement conference on July 27, 2012 with Magistrate Judge Lloyd.
2 The presidents of the parties were in attendance at the request of the Court. Mark Hogan,
3 president of Plaintiff Lift-U, Jim Marcotuli, president of defendant North American Bus
4 Industries, and Al Neupaver, CEO of defendant Westinghouse Air Brake Technologies (the
5 parent company of defendant Ricon Corporation) were present at the conference.
6

7 The settlement conference lasted the entire day, from 9:30 a.m. until after 5:00 p.m.. The
8 parties believe they are close to reaching a settlement, and exchanged a term sheet outlining a
9 possible settlement. Defendants' counsel is drafting a proposed definitive agreement for review
10 by Plaintiff.

11 At the time of the settlement conference, the parties had pending dates for depositions of
12 four expert witnesses, and other outstanding discovery matters. In light of the discussions during
13 the settlement conference, the parties agreed to postpone the pending discovery.
14

15 In order to have time to finalize a settlement, the parties, acting by and through their
16 counsel of record, request a brief continuance of current deadlines in the case.

17 **NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:**

18 1. The discovery cutoff of August 1, 2012 should be continued for a period of
19 approximately 3 weeks, until August 17, 2012 to complete the postponed expert depositions and
20 other outstanding discovery matters;
21

22 2. The August 9, 2012 deadline for filing dispositive motions should be postponed
23 until August 30, 2012;

24 3. The last day to hear dispositive motions and case management conference now
25 scheduled for September 13, 2012, is continued to October 11, 2012, at 1:30 p.m.;

4. The pretrial conference currently scheduled for October 31, 2012, is continued to November 15, 2012, at 1:30 p.m.; and

5. The trial of this case remains as set on November 26, 2012.

AGREED TO BY THE PARTIES THROUGH THEIR RESPECTIVE COUNSEL OF RECORD.

Dated: July 31, 2012

Dated July 31, 2012

LARIVIERE, GRUBMAN & PAYNE, LLP

REED SMITH LLP

By: /s/ Scott J. Allen
Scott J. Allen

By: /s/ Kevin S. Katona (as authorized on
7/31/12)
Kevin S. Katona

Attorneys for Plaintiff
LIFT-U, A DIVISION OF HOGAN MFG.,
INC.

Attorneys for Defendants
RICON CORP., WESTINGHOUSE AIR
BRAKE TECHNOLOGIES CORPORATION
dba VAPOR BUS INTERNATIONAL, and
NORTH AMERICAN BUS INDUSTRIES,
INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED, AS MODIFIED.

Dated: August 1, 2012

Lucy H. Koh

Hon. Lucy H. Koh
United States District Court Judge